HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1031 of 2005 (MS)

Panchayat Dhada Firahediyan (Registered) Jwalapur, Haridwar through its Secretary Sri Krishan Kumar Mishra

..... Petitioner

versus

1. Assistant Registrar, Firms Societies & Chits Garhwal Region, Uttaranchal, 8-A, Bangali Mohalla, Karanpur, Dehradun.
2. Sri Radhey Shyam Ji Pradhan s/o Amar Nath Ji Pradhan, Mohalla Chaklan, Jwalapur, Haridwar
3. Sri Shrwan Kumar Mishrote s/o Sri Prakash Mishrote r/o Mohalla Firahediyan Jwalapur, Haridwar
4. Sub Divisional Magistrate, Haridwar

..... Respondents

Sri Pankaj Miglani, Advocate for the petitioner
Sri G.K. Verma, Advocate for the respondents.

Dated: 18.7.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Pankaj Miglani counsel for the petitioner and Sri G.K. Verma counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 29.8.2005, annexure-5 to the writ petition.

Briefly stated the petitioner is a society registered under the Societies Registration Act 1860. Dispute has been referred under section 25 (1) of the Act and notices to the parties have been issued by the Assistant Registrar.

The grievance of the petitioner is that respondent no. 4 may be directed to proceed in accordance with Section 25(1) of

the act. He has placed reliance on the judgment All India Council v. Assistant Registrar, Firms, Societies, and Chits, Varanasi, AIR 1988 Allahabad 236, where it has been held that Registrar has no jurisdiction to decide a dispute and he can refer the dispute to the Prescribed Authority.

In view of above, the Prescribed Authority/S.D.M. is directed to proceed in accordance with section 25 of the Societies Registration Act 1860.

Accordingly, writ petition is disposed of. No order as to costs.

Dated: 18.7.2006 **Rajesh Tandon, J.**

*Dhyani